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1 AMENDMENT TO SENATE BILL 277

2 AMENDMENT NO. _____. Amend Senate Bill 277 on page 1,
3 lines 4 and 5, by replacing "Section 24-11" with "Sections
4 24-11, 34-84, 34-84.1, and 34-85"; and

5 on page 1, line 17, by replacing "This Section and" with "This
6 Section applies to all school districts. ~~This Section and~~"; and

7 on page 2, lines 6 and 7, by deleting "or achieved permanent
8 appointment pursuant to Section 34-84 of this Code"; and

9 on page 4, lines 17 and 18, by deleting "or achieved permanent
10 appointment pursuant to Section 34-84 of this Code"; and

11 on page 5, immediately below line 35, by inserting the
12 following:

13 "(105 ILCS 5/34-84) (from Ch. 122, par. 34-84)
14 Sec. 34-84. Appointments and promotions of teachers.
15 Appointments and promotions of teachers shall be made for merit
16 only, and after satisfactory service for a probationary period
17 as provided under Section 24-11 of this Code, ~~of 3 years with~~
18 ~~respect to probationary employees employed as full-time~~
19 ~~teachers in the public school system of the district before~~
20 ~~January 1, 1998 and 4 years with respect to probationary~~
21 ~~employees who are first employed as full-time teachers in the~~

1 ~~public school system of the district on or after January 1,~~
2 ~~1998 (during which period the board may dismiss or discharge~~
3 ~~any such probationary employee upon the recommendation,~~
4 ~~accompanied by the written reasons therefor, of the general~~
5 ~~superintendent of schools) appointments of teachers shall~~
6 enter upon contractual continued service ~~become permanent,~~
7 subject to removal for cause in the manner provided by Section
8 34-85.

9 As used in this Article, "teachers" means and includes all
10 members of the teaching force excluding the general
11 superintendent and principals.

12 There shall be no reduction in teachers because of a
13 decrease in student membership or a change in subject
14 requirements within the attendance center organization after
15 the 20th day following the first day of the school year, except
16 that: (1) this provision shall not apply to desegregation
17 positions, special education positions, or any other positions
18 funded by State or federal categorical funds, and (2) at
19 attendance centers maintaining any of grades 9 through 12,
20 there may be a second reduction in teachers on the first day of
21 the second semester of the regular school term because of a
22 decrease in student membership or a change in subject
23 requirements within the attendance center organization.

24 The school principal shall make the decision in selecting
25 teachers to fill new and vacant positions consistent with
26 Section 34-8.1.

27 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

28 (105 ILCS 5/34-84.1) (from Ch. 122, par. 34-84.1)

29 Sec. 34-84.1. Teachers employed in Department of Defense
30 overseas dependents' schools. By mutual agreement of a teacher
31 and the board of education, the board may, but is not required
32 to, grant the teacher a leave of absence to accept employment
33 in a Department of Defense overseas dependents' school. If such

1 a leave of absence is granted, the teacher may elect, for a
2 period not exceeding the lesser of the period for which he is
3 so employed or 5 years, (a) to preserve his contractual
4 continued service ~~permanent~~ status under this Act, and (b) to
5 continue receipt, on the same basis as if he were teaching in
6 the school system subject to the board of education, of service
7 credit earned for requirements of promotion, incremental
8 increases in salary, leaves of absence and other privileges
9 based on an established period of service or employment.

10 A person employed to replace a teacher making the election
11 provided for in this Section does not acquire contractual
12 continued service ~~permanent~~ status as a teacher under this
13 Article.

14 (Source: Laws 1967, p. 1999.)

15 (105 ILCS 5/34-85) (from Ch. 122, par. 34-85)

16 Sec. 34-85. Removal for cause; Notice and hearing;
17 Suspension. No teacher employed by the board of education shall
18 (after serving the probationary period specified in Section
19 24-11 of this Code ~~34-84~~) be removed except for cause. No
20 principal employed by the board of education shall be removed
21 during the term of his or her performance contract except for
22 cause, which may include but is not limited to the principal's
23 repeated failure to implement the school improvement plan or to
24 comply with the provisions of the Uniform Performance Contract,
25 including additional criteria established by the Council for
26 inclusion in the performance contract pursuant to Section
27 34-2.3.

28 The general superintendent must first approve written
29 charges and specifications against the teacher or principal. A
30 local school council may direct the general superintendent to
31 approve written charges against its principal on behalf of the
32 Council upon the vote of 7 members of the Council. The general
33 superintendent must approve those charges within 45 days or

1 provide a written reason for not approving those charges. A
2 written notice of those charges shall be served upon the
3 teacher or principal within 10 days of the approval of the
4 charges. If the teacher or principal cannot be found upon
5 diligent inquiry, such charges may be served upon him by
6 mailing a copy thereof in a sealed envelope by prepaid
7 certified mail, return receipt requested, to the teacher's or
8 principal's last known address. A return receipt showing
9 delivery to such address within 20 days after the date of the
10 approval of the charges shall constitute proof of service.

11 No hearing upon the charges is required unless the teacher
12 or principal within 10 days after receiving notice requests in
13 writing of the general superintendent that a hearing be
14 scheduled, in which case the general superintendent shall
15 schedule a hearing on those charges before a disinterested
16 hearing officer on a date no less than 15 nor more than 30 days
17 after the approval of the charges. The general superintendent
18 shall forward a copy of the notice to the State Board of
19 Education within 5 days from the date of the approval of the
20 charges. Within 10 days after receiving the notice of hearing,
21 the State Board of Education shall provide the teacher or
22 principal and the general superintendent with a list of 5
23 prospective, impartial hearing officers. Each person on the
24 list must be accredited by a national arbitration organization
25 and have had a minimum of 5 years of experience as an
26 arbitrator in cases involving labor and employment relations
27 matters between educational employers and educational
28 employees or their exclusive bargaining representatives.

29 The general superintendent and the teacher or principal or
30 their legal representatives within 3 days from receipt of the
31 list shall alternately strike one name from the list until only
32 one name remains. Unless waived by the teacher, the teacher or
33 principal shall have the right to proceed first with the
34 striking. Within 3 days of receipt of the first list provided

1 by the State Board of Education, the general superintendent and
2 the teacher or principal or their legal representatives shall
3 each have the right to reject all prospective hearing officers
4 named on the first list and to require the State Board of
5 Education to provide a second list of 5 prospective, impartial
6 hearing officers, none of whom were named on the first list.
7 Within 5 days after receiving this request for a second list,
8 the State Board of Education shall provide the second list of 5
9 prospective, impartial hearing officers. The procedure for
10 selecting a hearing officer from the second list shall be the
11 same as the procedure for the first list. Each party shall
12 promptly serve written notice on the other of any name stricken
13 from the list. If the teacher or principal fails to do so, the
14 general superintendent may select the hearing officer from any
15 name remaining on the list. The teacher or principal may waive
16 the hearing at any time prior to the appointment of the hearing
17 officer. Notice of the selection of the hearing officer shall
18 be given to the State Board of Education. The hearing officer
19 shall be notified of his selection by the State Board of
20 Education. A signed acceptance shall be filed with the State
21 Board of Education within 5 days of receipt of notice of the
22 selection. The State Board of Education shall notify the
23 teacher or principal and the board of its appointment of the
24 hearing officer. In the alternative to selecting a hearing
25 officer from the first or second list received from the State
26 Board of Education, the general superintendent and the teacher
27 or principal or their legal representatives may mutually agree
28 to select an impartial hearing officer who is not on a list
29 received from the State Board of Education, either by direct
30 appointment by the parties or by using procedures for the
31 appointment of an arbitrator established by the Federal
32 Mediation and Conciliation Service or the American Arbitration
33 Association. The parties shall notify the State Board of
34 Education of their intent to select a hearing officer using an

1 alternative procedure within 3 days of receipt of a list of
2 prospective hearing officers provided by the State Board of
3 Education. Any person selected by the parties under this
4 alternative procedure for the selection of a hearing officer
5 shall have the same qualifications and authority as a hearing
6 officer selected from a list provided by the State Board of
7 Education. The teacher or principal may waive the hearing at
8 any time prior to the appointment of the hearing officer. The
9 State Board of Education shall promulgate uniform standards and
10 rules of procedure for such hearings, including reasonable
11 rules of discovery.

12 The per diem allowance for the hearing officer shall be
13 paid by the State Board of Education. The hearing officer shall
14 hold a hearing and render findings of fact and a recommendation
15 to the general superintendent. The teacher or principal has the
16 privilege of being present at the hearing with counsel and of
17 cross-examining witnesses and may offer evidence and witnesses
18 and present defenses to the charges. The hearing officer may
19 issue subpoenas requiring the attendance of witnesses and, at
20 the request of the teacher or principal against whom a charge
21 is made or the general superintendent, shall issue such
22 subpoenas, but the hearing officer may limit the number of
23 witnesses to be subpoenaed in behalf of the teacher or
24 principal or the general superintendent to not more than 10
25 each. All testimony at the hearing shall be taken under oath
26 administered by the hearing officer. The hearing officer shall
27 cause a record of the proceedings to be kept and shall employ a
28 competent reporter to take stenographic or stenotype notes of
29 all the testimony. The costs of the reporter's attendance and
30 services at the hearing shall be paid by the State Board of
31 Education. Either party desiring a transcript of the hearing
32 shall pay for the cost thereof.

33 Pending the hearing of the charges, the person charged may
34 be suspended in accordance with rules prescribed by the board

1 but such person, if acquitted, shall not suffer any loss of
2 salary by reason of the suspension.

3 Before service of notice of charges on account of causes
4 that may be deemed to be remediable, the teacher or principal
5 shall be given reasonable warning in writing, stating
6 specifically the causes which, if not removed, may result in
7 charges; however, no such written warning shall be required if
8 the causes have been the subject of a remediation plan pursuant
9 to Article 24A. No written warning shall be required for
10 conduct on the part of a teacher or principal which is cruel,
11 immoral, negligent, or criminal or which in any way causes
12 psychological or physical harm or injury to a student as that
13 conduct is deemed to be irremediable. No written warning shall
14 be required for a material breach of the uniform principal
15 performance contract as that conduct is deemed to be
16 irremediable; provided however, that not less than 30 days
17 before the vote of the local school council to seek the
18 dismissal of a principal for a material breach of a uniform
19 principal performance contract, the local school council shall
20 specify the nature of the alleged breach in writing and provide
21 a copy of it to the principal.

22 The hearing officer shall consider and give weight to all
23 of the teacher's evaluations written pursuant to Article 24A.

24 The hearing officer shall within 45 days from the
25 conclusion of the hearing report to the general superintendent
26 findings of fact and a recommendation as to whether or not the
27 teacher or principal shall be dismissed and shall give a copy
28 of the report to both the teacher or principal and the general
29 superintendent. The board, within 45 days of receipt of the
30 hearing officer's findings of fact and recommendation, shall
31 make a decision as to whether the teacher or principal shall be
32 dismissed from its employ. The failure of the board to strictly
33 adhere to the timeliness contained herein shall not render it
34 without jurisdiction to dismiss the teacher or principal. If

1 the hearing officer fails to render a decision within 45 days,
2 the State Board of Education shall communicate with the hearing
3 officer to determine the date that the parties can reasonably
4 expect to receive the decision. The State Board of Education
5 shall provide copies of all such communications to the parties.
6 In the event the hearing officer fails without good cause to
7 make a decision within the 45 day period, the name of such
8 hearing officer shall be struck for a period not less than 24
9 months from the master list of hearing officers maintained by
10 the State Board of Education. The board shall not lose
11 jurisdiction to discharge the teacher or principal if the
12 hearing officer fails to render a decision within the time
13 specified in this Section. If a hearing officer fails to render
14 a decision within 3 months after the hearing is declared
15 closed, the State Board of Education shall provide the parties
16 with a new list of prospective, impartial hearing officers,
17 with the same qualifications provided herein, one of whom shall
18 be selected, as provided in this Section, to rehear the charges
19 heard by the hearing officer who failed to render a decision.
20 The parties may also select a hearing officer pursuant to the
21 alternative procedure, as provided in this Section, to rehear
22 the charges heard by the hearing officer who failed to render a
23 decision. A violation of the professional standards set forth
24 in "The Code of Professional Responsibility for Arbitrators of
25 Labor-Management Disputes", of the National Academy of
26 Arbitrators, the American Arbitration Association, and the
27 Federal Mediation and Conciliation Service, or the failure of a
28 hearing officer to render a decision within 3 months after the
29 hearing is declared closed shall be grounds for removal of the
30 hearing officer from the master list of hearing officers
31 maintained by the State Board of Education. The decision of the
32 board is final unless reviewed as provided in Section 34-85b of
33 this Act.

34 In the event judicial review is instituted, any costs of

1 preparing and filing the record of proceedings shall be paid by
2 the party instituting the review. If a decision of the board
3 ~~hearing officer~~ is adjudicated upon review or appeal in favor
4 of the teacher or principal, then the trial court shall order
5 reinstatement and shall determine the amount for which the
6 board is liable including but not limited to loss of income and
7 costs incurred therein. Nothing in this Section affects the
8 validity of removal for cause hearings commenced prior to the
9 effective date of this amendatory Act of 1978.

10 (Source: P.A. 89-15, eff. 5-30-95; revised 1-20-03.)".